

163519



U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION III

6th & Walnut Sts., Philadelphia, Pennsylvania 19106

JAN 4 1973

Mr. Sidney Mallet, President
Malitovsky Cooperage Company
3600 Smallman Street
Pittsburgh, Pennsylvania 15201

Dear Mr. Mallet:

On or about October 24, 1972 the United States Coast Guard noticed an oily material being discharged into the Allegheny River at approximately mile point 2.9. Our initial investigation indicated that the oily material originated from the Malitovsky Cooperage Company. You were officially informed of federal involvement by way of a letter dated November 6, 1972 from Mr. Malcolm O. Castor to you for which you acknowledged receipt on November 7, 1972. A copy of that notification is attached. You were further notified of federal concern by way of a letter addressed to you from the United States Attorney's office for the Western District of Pennsylvania dated November 13, 1972. A copy of that letter is also attached.

It has been our primary objective since the beginning of our involvement with this incident to contain and remove the discharged material and to eliminate the source of any further pollution. All of the sampling, field investigations, and analyses indicate not only that the oily material which was discharged emanated from the Malitovsky Cooperage Company but also, that there is a continuing discharge of similar material when the Cooperage Company is in operation. The dye tests performed by your own consultant conclusively proved that material from the holding tank in and for the barrel drainage area is infiltrating the abandoned 1874 sewer line located in front of the Cooperage Company under 36th Street. The dye testing also showed that a considerable amount of the material which is discharged from the "oil-water separator" through the

ORIGINAL
(Red)

AR100001

company's lateral sewer line into the ALCOSAN interceptor is also infiltrating into the abandoned sewer line mentioned above. At the present time it is our best estimate that approximately 2000 gallons of waste material is infiltrating the abandoned 1874 sewer line each day the Cooperage Company is in operation.

We have evidence that each time the Cooperage Company starts operation, there is a flow of plant effluent noticed in the abandoned 1874 sewer line almost immediately. We have taken samples of the material, analyses of which indicate that it contains approximately 7000 mg/l oil and grease with a pH of approximately 12.

You are surely aware of our attempts to have you remedy this very serious pollution problem. We thought you were showing good faith when you consented to have an engineering study of the plant's waste treatment system performed. However, our hopes were quickly dispelled when you not only refused to cooperate with the Environmental Protection Agency's on-scene coordinator, but also, with your own consultant.

In an attempt to prevent additional material from reaching the river, concrete plugs were placed in the abandoned 1874 sewer line at two locations. That remedy is at best temporary and we have, in fact, evidence that the material is still entering the river. In any event, it is certain that the concrete plugs will not be an adequate permanent solution to the problem.

Since we have been unable to obtain your cooperation in solving this serious ecological problem, and since we have used our best efforts to minimize the deleterious effects caused by the pollution emanating from Cooperage Company, we are hereby officially notifying you that we are withdrawing the on-scene coordinator. The excavation adjacent to the Cooperage Company in 36th Street will be filled forthwith.

This does not mean we are withdrawing from the problem. We have been working the Pennsylvania Department of Environmental Resources which plans to commence legal action against your company shortly. We are also exploring the possibility of filing a concurrent action in federal district court. We intend to proceed with this case until all deleterious effects, past, present, and future, that have been caused and will continue to be caused by your flagrant disregard for the environment are remedied.

Very truly yours,

Joseph R. Marino
Attorney
Enforcement Division

ORIGINAL
(Red)

Enclosures

cc: George Minch, Esquire

AR100002